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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,303	04/04/2005	Bogdan Rosinski	003D.0027.U1(US)	6018
29683	7590	08/14/2006	EXAMINER	
HARRINGTON & SMITH, LLP			PAK, SUNG H	
4 RESEARCH DRIVE			ART UNIT	
SHELTON, CT 06484-6212			PAPER NUMBER	
			2874	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/505,303

Applicant(s)

ROSINSKI ET AL.

Examiner

Sung H. Pak

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicants' amendment filed 5/18/2006 has been entered. All pending claims have been carefully reconsidered in view of the amendment. After a careful reconsideration of amended claim limitations and accompanying arguments for patentability of pending claims, the previous ground of rejection is withdrawn. However, the examiner respectfully submits that the pending claims are not in condition for allowance, and a new ground of rejection is provided over a newly cited prior art in this office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim

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indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

In the present instance, claims 7-8 recite the broad recitation "a transparent material", and the claims also recite "preferably glass" which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuwano et al (US 5,761,354).

Kuwano reference discloses an optical device comprising an input optical port and an output optical port (Figs. 3-4); characterized in that it comprises a set of two lenses each with a flat face interposed between the two optical ports ('2' Fig. 3b) and placed against a plate made of transparent material ('2' Fig. 3b) to enable adaptation of transmission of the light rays in space and in energy density (Fig. 3b); the two lenses having respective diameters and radii of curvature

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that are different to form a fanning out of the beam of light rays, from narrow to wide from one optical port to the other (Fig. 3b);

characterized in that the transparent plate forms a divergent-convergent optical device (Fig. 3b);

wherein the connector is provided with two detachable sets of lenses, in order to correspond to two modes of conversion from a single-mode to multimode propagation or vice versa (Fig. 3b, col. 2, ll. 39-56).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwano et al (US 5,761,354) in view of Lutes (US 4,893,890).

Kuwano discloses an optical device as discussed above, except it teaches the input and output port configured to receive optoelectronic device and fiber ferrule, instead of both receiving optical fiber ferrules as claimed in the instant application.

However, the use of connector device having both input and output ends accepting fiber ferrules are well known and common in the art, for example, as shown by Lutes (Fig. 1). Such arrangement is well known to be advantageous and desirable because it allows for small size and easily accessible (therefore easily repairable) optical connection arrangement because it may be disposed away from a fragile and costly optoelectronic device. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Kuwano to have input and output ports both configured to receive optical fiber ferrules as taught by Lutes.

Claims 2, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwano et al (US 5,761,354).

Kuwano discloses an optical device as discussed above, except it does not explicitly teach that the lenses are dimensioned to have focal point located in the plate region, or that the plate region has a length of about 1 millimeter.

However, "where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). See MPEP 2144.05. Therefore, since

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Kuwano fully teaches the general conditions of a claim, it is not inventive to discover the optimal focal length range or the optimal plate thickness, where such range of focal length and plate thickness is known in the art. Modifying the device of Kuwano to have the lens focal point be located in the plate region, or to have the plate length about 1 millimeter would have been considered advantageous and desirable to one of ordinary skill in the art at the time the invention was made because such ranges would give optical connector device with short optical transmission length and thus result in lower optical coupling loss. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Kuwano to have focal points of the lenses to be located in the plate region, or to have the plate region length about 1 millimeter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (571) 272-2353. The examiner can normally be reached on Monday- Friday, 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571)272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sung H. Pak
Primary Patent Examiner
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